

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MARK BREAKIRON,

Petitioner,

V.

MARTIN HORN, Commissioner,
Pennsylvania Department of Corrections;
CONNOR BLAINE, Superintendent of the
State Correctional Institution at Greene, and
JOSEPH P. MAZURKIEWICZ,
Superintendent of the State Correctional
Institution at Rockview,

Respondents.

CIVIL ACTION

No. 00 - 300:

Judge Hardiman

THIS IS A CAPITAL CASE.

ELECTRONICALLY FILED

UNOPPOSED MOTION TO CONTINUE EVIDENTIARY HEARING

Petitioner MARK BREAKIRON, through counsel, respectfully requests this Court to grant a continuance of the evidentiary hearing scheduled to begin on December 4, 2006 and in support thereof states:

1. This Court has scheduled an evidentiary hearing to begin on December 4, 2006.

As this Court is aware, the parties have diligently prepared for the hearing.

2. Undersigned counsel has informed this Court of his father's grave illness, and the impact that it has on his ability to prepare for, and participate in, the scheduled hearing. 3.

Counsel for Respondents, Christopher Carusone, has indicated that he has no objection to this request.

WHEREFORE, for the foregoing reasons, Petitioner respectfully requests this Court to grant his motion to continue the evidentiary hearing.

Respectfully submitted,

/s/Stuart Lev

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Dated: November 27, 2006

CERTIFICATE OF SERVICE

I hereby certify that on this date I caused a true and correct copy of the foregoing to be served on the following person at the location and in the manner indicated below:

BY FIRST CLASS MAIL

Christopher Carusone, Esq.
Office of Attorney General
16th Floor, Strawberry Square
Harrisburg, PA 17120

/s/ Stuart Lev
Stuart Lev, Esq.

Dated: November 27, 2006